

COUNCIL MINUTES
AUGUST 28, 2013

The City Council held a meeting on Wednesday, August 28, 2013, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Joe Burgess; Councilmembers: Ron Adams; Nina Barnes; John Black; Paul Cozzens; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; Senior Engineer Jonathan Stathis; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Marshal Mike Phillips; Project Engineer Chad Boshell Leisure Services Director Dan Rodgerson; Public Works Director Ryan Marshall; Building Official Larry Palmer.

OTHERS PRESENT: Tom Jett, Melodie Jett, Dale Orton, Tracey Jones, Kaylin Shelley, Cindy Rose, Deborah Snider, Kerry Fain, Chad Fain, Shari Rudd, Ann Johnson, Dave Clarke, Josh Huntsman, Tanner Davies, Kennedy Roche, Weslie Graham, Dutch Workman, Maile Wilson, Bev Burgess, Todd Prince, Sandi Ley, Fred Rowley, Doug Hall, Bruce M. Gil, Diane Gil, Jason Dozier, True Garant, Marilyn Kidwell.

Mayor Burgess wished Josh Huntsman a happy birthday.

CALL TO ORDER: Mayor Burgess gave the opening prayer; the pledge of allegiance was led by Councilmember Marchant.

AGENDA ORDER APPROVAL: Councilmember Black moved to approve the agenda order; second by Councilmember Adams; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■Marchant – Brenda Blackburn of Sphere One has gone above and beyond to provide a place for Upper Limits. The school is now up and running. Mayor – I agree and it is fun to see the helicopters up and flying around our community. ■Rick – last week you asked us to check on the mechanical doors at the Aquatic Center. A number of staff has access and Dan and Bruce will watch that. ■Larry Palmer – Someone came last week regarding AA Mechanics on the corner of Westview & U-56. There was an illegal business that has been moved. Cross Automotive is working to clean-up the property, but are doing it after hours so he can move his business. He is working to get the recycling stuff moved off the property. He has two other shops he is working in and will close them to move to this location. It is in a conforming zone, but it does not allow for salvage. Some of the vehicles are state impound and some are cars he is working on. He is working with the owners to get this cleaned up. Black – do we have a time frame? Larry - no, he is doing it after hours, he has to work his other shops during the day. We will work on moving the licensing also. Code Enforcement, Licensing and Zoning have all been working on this.

PUBLIC COMMENTS: ■Cindy Rose, Coordinator for the Youth Volunteer Center, I am here with two of the youth volunteers, Kaylin Shelley and Tracey Jones. We are here to beg. We are doing a volunteer festival on the 7th we open it to the public, free food, inflatables and DJ and 18 booths for people to see how easy it is for people to volunteer. We are asking for the \$50 fee to be waived for Park Discovery. Mayor – we have to hold a public hearing, but we will work this one out. Cindy – we have another date in the future, what do we need to do for that? Paul - a public hearing has to be published in the paper prior to the meeting, we like to do it 7 to 10 days. Mayor – just contact my office first. ■Kerry Fain – our basis is public volunteers, what the girls do is commendable and I would like YETI to pay the fees.

CONSENT AGENDA: (1)APPROVAL OF MINUTES DATED AUGUST 7 & 14, 2013; (2) APPROVAL OF BILLS DATED AUGUST 22, 2013; (3) APPROVE UTILITY BILL SETTLEMENT FOR \$154.47 - ROBERT RYAN SCHOFIELD; (4) APPROVE FY 2013-14 ARTS RAP TAX ALLOCATIONS: BRAITHWAITE FINE ARTS GALLERY \$1,800; CEDAR CITY ARTS COUNCIL \$3,500; CEDAR CITY CHILDREN'S MUSICAL THEATRE \$5,600; CEDAR CITY JUNIOR BALLET \$6,000; CEDAR CITY MUSIC ARTS \$9,700; CEDAR CITY LIVESTOCK & HERITAGE FESTIVAL \$9,000; CEDAR VALLEY COMMUNITY THEATRE \$6,500; IN JUBILO \$2,500; MASTER SINGERS \$3,000; ORCHESTRA OF SOUTHERN UTAH \$10,000; RUBICK'S CUBE YOUTH SQUARE DANCE \$500; UTAH SHAKESPEARE FESTIVAL \$60,144; NEIL SIMON FESTIVAL \$20,000, AND APPROVE FORM RAP TAX AGREEMENT – PAUL BITTMENN; (5) APPROVE FINAL PLAT AND BOND AGREEMENT APPROVAL FOR CARMEL CANYON ESTATES PUD – BOB PLATT; (6) APPROVE GRANTING DRAINAGE AND SEWER EASEMENTS THROUGH CROSS HOLLOW GREEN BELT AREA FOR CARMEL CANYON ESTATES PUD – BOB PLATT; (7) APPROVE DISPOSAL OF CITY PROPERTY IN THE CROSS HOLLOW GREEN BELT AREA FOR THE CARMEL CANYON ESTATES PUD – BOB PLATT; (8) APPROVE THE CONTRACT WITH THE STATE OF UTAH IN THE AMOUNT OF \$155,373 FOR COOPERATIVE AGREEMENT FOR CONSOLIDATED DISPATCH SERVICES AND AUTHORIZE THE MAYOR TO SIGN THE CONTRACT – CHIEF ALLINSON: Councilmember Marchant moved to approve the consent agenda items 1 through 8 as written above; second by Councilmember Black; vote AYE - 4, Abstained – 1, Adams abstained because of his conflict with Carmel Canyon.

CONSIDER AN AGREEMENT FOR THE PROVISION OF POLICE SERVICE BETWEEN THE CITY OF ST. GEORGE AND CEDAR CITY – CHIEF ALLINSON: Marchant – how many officers from St. George? Chief – 5 which includes one from Washington County. We also have one from Washington City, and all the Iron County agencies will also be involved.

Councilmember Black moved to approve the agreement between St. George and Cedar City for police service; second by Councilmember Barnes; vote unanimous.

**APPROVE FY 2013-14 PARKS AND RECREATION RAP TAX ALLOCATIONS,
AND APPROVE FORM RAP TAX AGREEMENT – PAUL BITTMENN:**

Paul – some allocations go to the City for playground equipment. There was an allocation to support the Ice Skating facility for \$93,000 +. We want to allocate that money to the City so we can spend it to do improvements on our property so the YETI people can lease it from us. It will include electrical, fencing, lighting, dirt work that is what we would use the money for. We won't have an agreement for the City. Cozzens – will it stub water and gas? Paul – we don't think we will need to. Mayor – we have looked at the existing water and gas and have been working with the electrician to get criteria to bid the electrical. We hope to have that ready to send out to bid next week. We have done a lot of work. At the end of the day the City will own that so it makes sense to allocate the money to the City. Cozzens – what if money is left over? Paul – typically they would refer back to RAP Tax funds for reallocation. Barnes – P&R has given the priority and any extra funds would refer back to Park & Rec. Paul – yes and Dan will have to come to you with his list. There will be a contract with the Ice Skating and Dog Park and they should come back in September. Cozzens – do we do the same with the Friends of the K9? Paul – yes, we will own the equipment and we will lease the equipment, they will store the equipment in a trailer. Barnes – do we have anything on the Paiute participation? Yes. Dale Orton, representing Paiute Language and Preservation Committee. We have people from SUU, LDS Church and Paiute Tribe. He reviewed the memo attached as Exhibit "A".

Councilmember Cozzens moved to approve the allocations for the RAP Tax, Parks and Recreation as follows: Cedar City Trails \$75,000; Friends of Festival Country K9 \$5,000; Iron Mission \$1,350; Leisure Services East Canyon Playground \$42,000, Canyon Fields playground \$35,000; Paiute Indian Tribe \$24,323; YETI \$93,815; second by Councilmember Black; vote unanimous.

**APPROVE BID FROM ALDER CONSTRUCTION IN THE AMOUNT OF
\$9,525,000 AND APPROVE THE ALLOCATION OF AN ADDITIONAL
\$1,676,875 TO THE PROJECT FROM THE WWTP FUND BALANCE FOR THE
NITRATE MITIGATION PROJECT – CHAD BOSHELL:**

Councilmember Black moved to approve the bid from Alder Construction; second by Councilmember Adams; vote unanimous.

**CONSIDER A RESOLUTION FOR LEISURE SERVICES FEE ADJUSTMENT –
DAN RODGERSON:**

Councilmember Marchant moved to approve the resolution adjusting the fee for recreation basketball from \$35 to \$40; second by Councilmember Black; vote as follows:

Ron Adams	-	AYE
Nina Barnes	-	NAY
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE

Mayor – on YETI we are working to get the agreement done. We are hoping to have it for initial review on September 4th and approve on September 18th. If it isn't ready we will do it that 18th and 25th. Paul – Dan and I met with Dallin and his dad and there are some clauses in the agreement he asked for. We talked about the big picture and they seem to be ok. The main idea is to spend the RAP Tax money to get the property ready. They will lease the property and run as an independent vendor. Cozzens – my interest is to see it totally separate from the City going forward. Any language to make sure it stays that way. Paul – the draft we have circulating through staff 50% revolves around that, they won't be assumed by the City. Future councils can change that. That is a concern of Dallin also, as long as we contract with YETI the City stay out of the ice rink basis. Barnes – will that run through the Parks & Recreation committee. The principle has. Dan – we will have a meeting before the Council votes on the agreement. When we feel comfortable we will get the Council a copy.

Black – has the K9 people worked with staff on their agreement? Paul – yes, we will work on the same dates. Mayor – we want to have the site ready in October to turn over to YETI. We have not worked on the numbers of excavation, but we will before it goes out to bid.

ADJOURN: Councilmember Cozzens moved to adjourn and move into the RDA meeting at 5:58 p.m.; second by Councilmember Barnes; vote unanimous.


Renon Savage, CMC
City Recorder

MEMORANDUM

TO: Cedar City Council Members

FROM: Dane Leavitt and Dale Orton, on behalf of the
Paiute Language and History Preservation Committee

RE: RAP Tax Application for Paiute Monument Funding

DATE: 28 August 2013

Members of the Paiute Language and History Preservation Committee are grateful for consideration given by the Cedar City Council to allocate RAP Tax dollars to assist in building the Paiute monument near the library. We also appreciate the work of the RAP Tax advisory committee, and their recommendation that our request be funded.

We have been asked to estimate the portion of the project's complete costs which the proposed city appropriation represents. It is not presently possible to be precise, in that we do not have firm bids, nor do we know what portion of the construction effort will be provided by volunteers. That being said, we suspect the requested appropriation of \$24,323 will cover about half the total costs associated with the monument's total cost. Other contributors include:

- Members of the Paiute Language and History Preservation Committee have donated many hours discussing, planning and developing a monument plan, as have the Paiute Indian Tribe of Utah's tribal council.
- Ray Gardner of The Gardner Partnership Architects, has donated his work on the design portion of the monument, which to date involves 44 hours @ \$125/hour, or \$5,500;
- Ray estimates that he has an additional 30 hours of work to prepare construction drawings, plus two hours of structural design help being provided by Robert Corry, and two hours of surveying work, being provided by a yet-to-be asked surveyor, for an additional design total of 34 hours, which at \$125/hour will be \$4,250;
- The Bureau of Land Management will be donating approximately 14 large boulders – the value of which is something – and each of you are as qualified as we to estimate;
- Vern Grimshaw, via a sandblasting process, will be placing petroglyphs selected by the Tribe on the boulders. We estimate 6 petroglyphs per boulder, times 14 boulders (84 petroglyphs), times 3 hours per petroglyph (Vern's estimate), equals 252 hours. The process involves labor and also equipment. \$40/hour combined seems a reasonable estimate, with the committee reimbursing Vern from available cash at least for the hard costs of oil, sand, and related supplies. Vern's contribution could be as high as \$10,080. We anticipate raising some other funds to help mitigate Vern's sacrifice.
- The Committee anticipates that some of the construction costs may also need to be donated. Again, we will know more once we begin to discuss the drawings with contractors.

Thank you for considering our request for \$24,323 to help accomplish this project. By agreement, SUU, a participating partner with the Tribe in this effort, is the financial steward of the funds being gathered to assist with this project, including funds appropriated from the RAP Tax.

